

# EXHIBIT 2

Drake Turner  
January 15, 2019

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNILOC USA, INC. And UNILOC ) CIVIL ACTION NOS:  
LUXEMBOURG, S.A., ) 1:18-cv-00158,  
Plaintiffs, ) 1:18-cv-159,  
VS. ) 1:18-cv-161,  
 ) 1:18-cv-163,  
 ) 1:18-cv-164,  
APPLE, INC. ) 1:18-cv-166, 1:18-cv-293  
Defendant. ) LY

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ORAL AND VIDEOTAPED DEPOSITION OF

DRAKE TURNER

TUESDAY, JANUARY 15, 2019

VOLUME 1  
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ORAL AND VIDEOTAPED DEPOSITION OF DRAKE  
TURNER, produced as a witness at the instance of the  
Defendant, and duly sworn, was taken in the above-styled  
and -numbered cause on the 15th day of January, 2019,  
from 9:13 a.m. to 3:25 p.m., before Natasha Duckworth, a  
CSR in and for the State of Texas, reported by machine  
shorthand at the offices of DLA Piper, LLP, 1717 Main  
Street, Suite 4600, Dallas, Texas, pursuant to the  
Federal Rules of Civil Procedure and the provisions  
stated on the record or attached hereto.

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

MR. KEVIN GANNON  
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FOR THE DEFENDANT:

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E-mail: John.guaragna@dlapiper.com

ALSO PRESENT:

Terry van der Hayden, videographer

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1 A. Drake Lee Turner.

2 Q. Where do you currently work?

3 A. In Hermosa Beach, California.

4 Q. Who do you work for?

5 A. Uniloc Luxembourg.

6 Q. Is Uniloc Luxembourg your only current  
7 employer?

8 A. Yes.

9 Q. Is Hermosa Beach your physical address?

10 A. Yes.

11 Q. Does Uniloc Luxembourg have an office in  
12 Hermosa Beach?

13 A. No.

14 Q. Do you work from your home?

15 A. Yes.

16 Q. How long have you worked for Uniloc Luxembourg?

17 A. Since June of 2014.

18 Q. Since June of 2014 and today, have you had any  
19 other employers besides Uniloc Luxembourg?

20 A. No.

21 Q. What were you doing before June of 2014,  
22 immediately before?

23 A. I had my own CPA practice.

24 Q. What is your current job title with Uniloc  
25 Luxembourg?

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1 for space somewhere?

2 A. Uniloc 2017 is considering space in Plano and  
3 in California. I don't believe it's currently  
4 negotiating anything.

5 Q. Where in California?

6 A. Newport Beach.

7 Q. Do you understand the timeline for decision on  
8 whether or not to obtain new space in Plano or Newport  
9 Beach?

10 A. I don't know a specific timeline, but I do know  
11 there's conversations with leasing agents about  
12 potential space.

13 Q. You described it as an exigent circumstance.  
14 Right?

15 A. Well, the year was closing and it was important  
16 to get a closing process in place towards the end of  
17 2018 rather than let it spill deep into 2019. I wish we  
18 had done it earlier. And I'm trained as a CPA, and I  
19 like to have processes in place in advance for closing  
20 books.

21 Q. You mentioned that Mr. Burdick has left Uniloc  
22 USA. Is that your testimony?

23 A. Yes, he resigned.

24 Q. When did that happen?

25 A. Effective December 31st, 2018.

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1 Q. Last month?

2 A. Yes.

3 Q. Did you speak with Mr. Burdick about his  
4 resignation?

5 A. Very briefly.

6 Q. What did you discuss?

7 A. I spoke to him on the phone maybe 60 seconds,  
8 and I thanked him for the relationship in the service  
9 over the years and asked him what his plans were.

10 Q. What did he tell you his plans were?

11 A. He said he needed to be in Boise, Idaho more  
12 than in the past and that he was moving into private  
13 practice of patent prosecution.

14 Q. Did Mr. Burdick identify a reason for his  
15 resignation?

16 A. That he enjoyed patent prosecution the most and  
17 enjoyed the freedom of being in private practice. And I  
18 was also under the impression there might be other  
19 nonprofessional reasons that he needed to be in Boise.

20 Q. Prior to his resignation, was Mr. Burdick  
21 working on patent prosecution for Uniloc?

22 A. Yes.

23 Q. Do you anticipate he will continue the work of  
24 patent prosecution for Uniloc post resignation?

25 A. I hope that he will; though I haven't heard

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1       A.     There's a name Michelle Moreland. Again, these  
2 are signature lines. I'm not certain they're managers,  
3 but if they are these are the names. Erez, E-r-e-z  
4 Levy, L-e-v-y; James Palmer. There's probably a couple  
5 of others. I can't think of the names.

6       Q.     So it's your testimony that there may be six  
7 managers, and you can recall four as you're sitting here  
8 today. Mr. Etchegoyen, Ms. Moreland, Mr. Levy, and  
9 Mr. Palmer. Is that fair?

10      A.     That sounds about right, yep.

11      Q.     Anyone else you can recall?

12      A.     I know that -- again, I see this from the  
13 Uniloc Luxembourg side, and I'm very familiar with Craig  
14 being on that group. And then all the other people were  
15 designated as managers from the CF Holdings side, and  
16 that's the side that I'm not super familiar with.

17      Q.     Have you ever met Ms. Moreland?

18      A.     I have.

19      Q.     Do you know where she lives?

20      A.     I don't know where she lives, but I know she's  
21 based out of the Fortress office in San Francisco.

22      Q.     What about Mr. Levy?

23      A.     I've met him.

24      Q.     Where does he live?

25      A.     Same answer as Michelle Moreland.

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1 Q. He works out of the Fortress office in San  
2 Francisco?

3 A. Yes.

4 Q. What about Mr. Palmer?

5 A. Same answer as the prior two.

6 Q. And with regard to the other names that you  
7 couldn't recall, is it your understanding that they also  
8 work out of the Fortress offices in San Francisco?

9 A. I would draw that conclusion, yes. I'll also  
10 add that I'm not sure if they're managers. They may  
11 just be on a committee.

12 Q. Whether it's a manager or committee member,  
13 they have duties and responsibilities with regard to  
14 Uniloc 2017. Correct?

15 MR. GANNON: I'm going to object.  
16 Mr. Turner is here on behalf of Uniloc USA and Uniloc  
17 Luxembourg. And these -- I've been giving you quite a  
18 bit of leeway asking questions with respect to Uniloc  
19 2017, and this deposition is limited to venue. Venue is  
20 determined at the time of the complaint being filed,  
21 which would be for the Uniloc 2017 transaction.

22 Q. (BY MR. GUARAGNA) Do you have the question in  
23 mind, sir?

24 A. What's the question again?

25 Q. Whether it's a manager or committee member,



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1 A. It was in 2018.

2 Q. And that also took place in San Francisco?

3 A. Yes.

4 Q. Who did you meet with?

5 A. I met with the same people I just noted as  
6 possible managers.

7 Q. That's Ms. Moreland, Mr. Levy, Mr. Palmer?

8 A. Yes.

9 Q. Do you remember any others who were in the  
10 meeting?

11 A. There was another individual named Yoni Shtein,  
12 Y-o-n-i S-h-t-e-i-n and one or two others that I don't  
13 know their names at this point.

14 Q. Were you the only representative of Uniloc  
15 Luxembourg in the meeting?

16 A. No.

17 Q. Who else was there?

18 A. Craig Etchegoyen.

19 Q. How long did that meeting last?

20 A. 45 minutes.

21 Q. What was the nature of that meeting?

22 A. We were discussing the potential transaction  
23 that ultimately came to fruition in May of 2018.

24 Q. Who is Mr. Shtein?

25 A. He's a guy who works at Fortress.

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1 property would meet with the property manager to discuss  
2 the property and repairs or, you know, any significant  
3 outlays of cost or relationship or the employees of one  
4 who -- of the other company that might be irritating  
5 tenants, etcetera, status reports, you'd have to have  
6 those meetings somewhere.

7               So typically, you know, in this case, the  
8 company -- Luxembourg company being based in Luxembourg  
9 and Uniloc USA being based in Texas, when the people  
10 happen to be in the same place in California, it's more  
11 convenient for them to meet there in California. So it  
12 was really a matter of convenience and not that it was  
13 set aside as an executive location for purposes of these  
14 Uniloc USA meetings or Uniloc Luxembourg meetings. It  
15 was used I guess periodically when Sean might meet with  
16 Craig and discuss that relationship between Uniloc USA  
17 as a service provider and Uniloc Luxembourg as the asset  
18 owner.

19           Q.    So fair to say that that California location  
20 was a convenient place for Uniloc people to meet?

21           A.    Yes, and Uniloc USA was paying for it so why  
22 not use it.

23                       MR. GUARAGNA:   We'll take five.

24                       THE VIDEOGRAPHER:   We're going off the  
25 record at 11:32 a.m.

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1 Texas?

2 A. I will answer that in the sense that none of  
3 them maintains any office. But to the extent that any  
4 of them have a Texas presence, it would be listed as the  
5 Tyler, Texas location.

6 Q. That's the only one that you're aware of?

7 A. Yes.

8 Q. All right. How many employees does Uniloc USA  
9 currently have?

10 A. Four.

11 Q. Can you list them for me?

12 A. Yes. The three I mentioned earlier Sharon  
13 Setzler, Sarah Gallegos, and Kris K, and then there's  
14 Michael Ford, is that his name, as well. And until  
15 recently, of course, Sean.

16 Q. So who is Mike Ford?

17 A. I've never met him, but I am aware that he is  
18 an employee of Uniloc USA and performs some specialized  
19 services relative to some technology and research.

20 Q. What type of specialized services does he  
21 provide?

22 A. I'm not clear about that.

23 Q. What type of research does he do?

24 A. Again, not clear about that.

25 Q. Did you attempt to figure that out for purposes

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1 yes.

2 Q. And that would include patents its asserting  
3 against Apple. Right?

4 A. It's my -- yes, yes.

5 Q. And Mr. Ford is currently working on that  
6 platform in Roseville, California. Right?

7 A. He works on that in Roseville in his supporting  
8 role.

9 Q. Who does he support in that role?

10 A. Until now it was Sean Burdick.

11 Q. As of today he is -- withdrawn.

12 As of today, is he the only Uniloc employee  
13 working on the Centurion platform?

14 A. When you say working on it, are you meaning  
15 maintaining it, developing it, adding to it, or what?

16 Q. As of today, what is your understanding as to  
17 Mr. Ford's duties and responsibilities vis-a-vis the  
18 Centurion technology platform?

19 A. I believe his responsibilities are to maintain,  
20 add, and augment as Mr. Burdick may request and as Craig  
21 Etchegoyen may ask Burdick to request.

22 Q. Have you asked Mr. Ford to utilize the  
23 Centurion platform for any Uniloc work?

24 A. I have not.

25 Q. Are you aware of Mr. Etchegoyen asking him to

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1 A. Yes.

2 Q. Okay. When did Uniloc Luxembourg take  
3 ownership of the Centurion platform?

4 A. It was developed internally by Uniloc  
5 Luxembourg.

6 Q. Internally by whom?

7 A. Craig outsourced to software developers the job  
8 of developing it.

9 Q. Which software developers?

10 A. I don't know the names of them. This was  
11 mostly accomplished prior to 2014 when I came on board.

12 Q. Do you know where they were located?

13 A. I do not.

14 Q. Does Uniloc Luxembourg still own the Centurion  
15 platform?

16 A. No.

17 Q. Who owns the Centurion platform?

18 A. Uniloc 2017.

19 Q. When did the ownership of the Centurion  
20 platform shift from Uniloc Luxembourg to Uniloc 2017?

21 A. It was part of the asset sell from Uniloc  
22 Luxembourg to Uniloc 2017 in early May of 2018.

23 Q. Is Uniloc Luxembourg still able to utilize the  
24 Centurion platform now owned by Uniloc 2017?

25 A. With permission from Uniloc 2017, I bet it can.

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1 But there would be no reason for it -- them to -- there  
2 would be no reason to ask or to be granted permission.  
3 I can't envision why they would.

4 Q. Is that because the activities of searching for  
5 and asserting patents is no longer within the province  
6 of Uniloc Luxembourg?

7 A. Yes, that's my conclusion.

8 Q. It's now within the province of Uniloc 2017.

9 A. Yes.

10 Q. Does anyone at Uniloc USA presently have access  
11 to the Centurion platform for the work of Uniloc USA?

12 A. Now that Sean is gone, I think the answer is in  
13 practice, no. Not because it's prohibited, just because  
14 it's not relevant to anyone's job description.

15 Q. Is not relevant to Mr. Ford's job description  
16 today?

17 A. Oh, of course he has access. Sorry. I don't  
18 think of him as having access to use it. I think of him  
19 as having access to maintain it.

20 Q. So he maintains the platform?

21 A. Yes.

22 Q. Does Uniloc USA have to pay Uniloc 2017 to use  
23 the Centurion platform?

24 A. I -- if I had to guess, it's the opposite.  
25 Uniloc 2017, probably we should seek to be reimbursed

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1           A.     Just based on my awareness of where he is at  
2 any given time in terms of if I'm calling him or talking  
3 to him or saying, hey, can we get together. Oh, no, I'm  
4 not back to California until three weeks from now. It's  
5 just kind of the pattern of my observations.

6                     Also I know his wife and the kids and  
7 stuff, so there's a little bit of -- I'm more aware than  
8 most.

9           Q.     Is Mr. Etchegoyen married?

10          A.     Yes.

11          Q.     Does his family reside in Hawaii?

12          A.     Yes.

13          Q.     You mentioned he also spends time in Texas. Is  
14 that right?

15          A.     Off and on, yes.

16          Q.     In the last six months, how much time has  
17 Mr. Etchegoyen spent in Texas?

18          A.     If I had to guess, he might have been here once  
19 or twice.

20          Q.     I'm not asking you to guess. Do you have an  
21 understanding as to how much time Mr. Etchegoyen spent  
22 in Texas in the last six months?

23          A.     In the last six months, it's -- I would have to  
24 say once if -- if he had a reason to come here for a  
25 deposition, but I'm not aware of any specific instance.

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1 Q. You can only think of one time he's been in  
2 Texas --

3 A. Probably, uh-huh.

4 Q. What about in the last 12 months? Can you  
5 think of any other times he's traveled to Texas within  
6 the last 12 months?

7 A. I'm not specifically aware of his Texas travels  
8 off and on. Again, he and I don't see each other that  
9 much. We just correspond by phone and by e-mail. I see  
10 him about once or twice a month in a good month for  
11 about 15 minutes or an hour.

12 Q. So if you only see him once or twice a month,  
13 how confident are you in your estimate as to what time  
14 he spends in Hawaii versus California?

15 A. Much more confident than the Texas element  
16 because I -- if I'm going to see him face to face,  
17 generally it's going to be in California because I'm not  
18 going to go to Hawaii to meet with him. I'm in  
19 California; he's in California from time to time. So  
20 I'll pay much more closer attention to his whereabouts  
21 as it relates to California than anything else.

22 Q. Okay. Would it be a fair summary of your  
23 testimony to say Mr. Etchegoyen spends more time in  
24 Hawaii but not specifically more than he spends in  
25 California?



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1           A.    I would say he spends meaningfully more but not  
2 significantly more. But at the same time, he's clearly  
3 more in California than in Texas in my book.

4           Q.    And he only comes to Texas from time to time.  
5 Correct?

6           A.    I think as needed, yes.

7           Q.    Okay. Flipping over to Page 9 of Exhibit 2.  
8 It says that "Mr. Etchegoyen was also the CEO of Uniloc  
9 Luxembourg (the prior owner of Uniloc of 2017's patents)  
10 and held the same responsibilities in that role as  
11 well."

12                       And I understand that to be referring to  
13 the responsibilities from the previous sentence. Is  
14 that your understanding?

15           A.    Yes, that's how I read it.

16           Q.    Okay. And this statement in the brief  
17 indicates that Mr. Etchegoyen was the CEO of Uniloc  
18 Luxembourg. Do you understand him to still have that  
19 role?

20           A.    That's a good question. I believe he holds  
21 that role effectively, but he's no longer -- let's try  
22 this again.

23                       In the transaction that occurred in May of  
24 2018, the asset sell, Craig resigned his -- he -- I'm  
25 sorry. He signed a new employment agreement for Uniloc

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1 Q. Okay. And that's the Centurion platform we  
2 discussed earlier that Mr. Ford is responsible for  
3 maintaining. Right?

4 A. For the maintenance, yes.

5 Q. Did he participate at all in the design and  
6 development of that?

7 A. No.

8 Q. That was all done by outside contractors.

9 A. Yes, before it came into the company.

10 Q. Do you know which additional patents the  
11 company acquired using the Centurion platform that are  
12 referenced -- that is referenced in this document?

13 MR. GANNON: I'm going to caution you not  
14 to reveal any conversations or discussions with outside  
15 counsel.

16 Q. (BY MR. GUARAGNA) The question was do you  
17 know?

18 A. I believe that the platform started being put  
19 into use to some degree beginning in 2015, and therefore  
20 all patents that were acquired since then probably had  
21 some use of the platform but I don't know to the degree,  
22 which the decisions made by those recommending it were  
23 influenced by the platform. But I do know that as time  
24 went along, it became more and more important and that  
25 allowed us to reduce the head count of people.

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1 STATE OF TEXAS )

2 COUNTY OF DALLAS )

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5 I, Natasha Duckworth, a Certified Shorthand  
6 Reporter duly commissioned and qualified in and for the  
7 State of Texas, do hereby certify that there came before  
8 me on the 15th day of January, 2019, at DLA Piper, LLP,  
9 located at 1717 Main Street, Suite 4600, Dallas, Texas,  
10 the following named person, to-wit: DRAKE TURNER, who  
11 was duly sworn to testify the truth, the whole truth,  
12 and nothing but the truth of knowledge touching and  
13 concerning the matters in controversy in this cause; and  
14 that he was thereupon examined upon oath and his  
15 examination reduced to typewriting under my supervision;  
16 that the deposition is a true record of the testimony  
17 given by the witness.

18 I further certify that pursuant to FRCP  
19 Rule 30(e)(1) that the signature of the deponent:

20 \_\_\_\_ was requested by the deponent or a  
21 party before the completion of the deposition, and that  
22 signature is to be before any notary public and returned  
23 within 30 days from date of receipt of the transcript;

24   X   was not requested by the deponent or a  
25 party before the completion of the deposition.

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1 I further certify that I am neither  
2 attorney or counsel for, nor related to or employed by  
3 any of the parties to the action in which this  
4 deposition is taken, and further that I am not a  
5 relative or employee of any attorney or counsel employed  
6 by the parties hereto, or financially interested in the  
7 action.

8 CERTIFIED TO BY ME on this the 28th day of  
9 January 2019.

10  
11  
12 

13 NATASHA DUCKWORTH, CSR  
14 Texas CSR 8410  
15 Expiration Date: 12/31/21  
16 US Legal Support, Inc.  
17 CRCB Registration No. 343  
18 100 Premier Place  
19 5910 North Central Expressway  
20 Dallas, Texas 75206-5190  
21 (214) 741-6001

22 Taxable cost of original charged to Defendant \$ \_\_\_\_\_

23 Attorney: Mr. John M. Guaragna  
24  
25